

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**TRACY A. CARTER,**

**Plaintiff,**

**v.**

**Civil Action 2:17-cv-766  
Judge George C. Smith  
Magistrate Judge Jolson**

**BARHAM LEGAL, LLC, et al.,**

**Defendants.**

**MEMORANDUM OF FIRST PRETRIAL CONFERENCE**

This matter came before the Court on November 15, 2017 at 2:15 p.m. at the First Pretrial Conference pursuant to notice and in accordance with Rule 16 of the Federal Rules of Civil Procedure. Counsel appeared as follows:

For Plaintiff:

Emily A. White

For Defendant:

Daniel O. Barham

The following matters were considered:

INITIAL DISCLOSURES

The parties shall exchange initial disclosures January 3, 2017.

VENUE AND JURISDICTION

Defendants' Motion to Dismiss argues for abstention. That is the only contested issue related to venue or jurisdiction that the parties foresee at this time.

PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join additional parties shall be filed by February 1, 2018.

#### PENDING MOTIONS

Defendants have filed a Motion to Dismiss (Doc. 6).

#### ISSUES

This case arises from an ongoing state court foreclosure action on a note and mortgage owned by Defendant PPR and filed by Defendants Barham Legal, LLC and Daniel Barham. The causes of action and issues are set forth in Plaintiff's Complaint, Defendants' Motion to Dismiss and the subsequent pleadings related thereto. Plaintiff has made a jury demand.

#### DISCOVERY PROCEDURES

All discovery shall be completed by May 1, 2018. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so.

#### DISPOSITIVE MOTIONS

Any dispositive motions shall be filed by June 1, 2018.

#### EXPERT TESTIMONY

Primary expert reports must be produced by May 1, 2018. Rebuttal expert reports must be produced by June 1, 2018. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

#### SETTLEMENT

Plaintiff shall make a settlement demand by December 15, 2017. Defendants shall respond by January 15, 2018. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference during this Court's March 2018 settlement week. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the beginning of settlement week. The parties understand that they will be expected to comply fully with the settlement week orders which require *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

OTHER MATTERS

The Court's decision on the pending Motion to Dismiss may alter or render moot the schedule.

Plaintiff notes that she foresees a potential issue with Defendant Barham representing the Defendants if this matter goes to trial.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel shall immediately object in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: November 15, 2017

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE